

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**WILLIAM DUKES,**

**Plaintiff**

**v.**

**CHICAGO POLICE SERGEANT JAMES  
WASHBURN, #20372, CHICAGO POLICE  
DETECTIVE ROLANDO RODRIGUEZ, #20751  
CICERO POLICE DETECTIVE DARLENE  
SOBCZAK, #123, CICERO POLICE DETECTIVE  
ROBERT DONEGAN, #488, CICERO POLICE  
DETECTIVE ALLAN PINEDA, #496, COOK  
COUNTY STATES ATTORNEY  
INVESTIGATOR BRIAN KILLACKY, #361,  
COOK COUNTY, CITY OF CHICAGO,  
CITY OF CICERO,**

**Defendants,**

**Case No. 1:21-cv-03672**

**Judge: Hon. Mary M. Rowland**

**Magistrate Judge: Hon. Young B.  
Kim**

**DEFENDANT COOK COUNTY'S UNCONTESTED  
MOTION FOR ENTRY OF ORDER IN LIEU OF ANSWER**

Defendant, Cook County, by its attorney, KIMBERLY M. FOXX, State's Attorney of Cook County, and through Assistant State's Attorneys Elizabeth F. Brogan and Jessica L. Wasserman, pursuant to Federal Rule of Civil Procedure 8, respectfully moves this Court to enter an order in lieu of answer to Plaintiff's Complaint. In support of this motion, the County states as follows:

1. On July 12, 2021, Plaintiff filed a complaint naming as complaint naming as Defendants Chicago Police Sergeant James Washburn, #20372, Chicago Police Detective Rolando Rodriguez, #20751, Chicago Police Detective Darlene Sobczak, #123, Cicero Police Detective Robert Donegan, #488, Cicero Police Detective

Allan Pineda, #496, Cook County State's Attorney Investigator Brian Killacky, #361, the City of Chicago, the City of Cicero, and Cook County State's Attorney Kim Foxx. (Dkt. 4.)

2. On April 26, 2022, this Court dismissed Defendant Kim Foxx but gave Plaintiff leave to amend his complaint to substitute Cook County as a Defendant for indemnification purposes. (Dkt. 61.)
3. On April 27, 2022, Plaintiff filed an amended complaint naming Cook County as an additional defendant. (Dkt. 63.)
4. Plaintiff sent a request for waiver of service to Cook County on April 29, 2022. Defendant Cook County's answer is due on June 28, 2022. (Dkt. 66.)
5. The undersigned attorneys filed their appearances on behalf of the County on May 2, 2022 and June 22, 2022. (Dkt. 67, 77).
6. Plaintiff's complaint contains eight counts. Counts I through V seek to impose substantive liability on various combinations of Defendants other than Cook County. No relief is sought against the County in any of Counts I through V. Counts VI and VII name Defendants City of Chicago and City of Cicero, respectively, for indemnification purposes. Count VIII, entitled "Indemnification (Defendant Cook County)" is the sole count of Plaintiff's complaint attributed to Defendant Cook County. It is clear from the face of the complaint that Cook County is named only for indemnification purposes. (Dkt. 63).
7. Defense counsel has conferred with Plaintiff's counsel, who indicated that he has no objection to this motion.

8. Because Plaintiff names Cook County for indemnification purposes only, the County respectfully requests that this Court enter the proposed Order in Lieu of Answer, in the form of the proposed order sent via email pursuant to this Court's standing order to: Proposed\_Order\_Rowland@ilnd.uscourts.gov. The proposed order states, in sum, as follows: (1) There is no basis for liability on the part of the County articulated in Plaintiff's complaint; (2) the County remains in this case solely for purposes of indemnification as alleged in Count VIII of Plaintiff's complaint and reserves all its defenses with respect to Count VIII; and (3) the County is not obligated to answer or otherwise respond to Plaintiff's complaint.
9. Courts in this district have entered similar orders where Cook County is named as a defendant for indemnification purposes only. *See Wilson v. Administrator of the Estate of Former Chicago Police Department Commander Jon Burge, et al.*, No. 1:21-cv-03487, Dkt. No. 133 (N.D. Ill. March 4, 2022); *Adamidis v. Cook County, et al.*, No. 1:19-cv-07652, Dkt. No. 18 (N.D. Ill. Feb. 10, 2020).

WHEREFORE Defendant Cook County, Illinois, respectfully requests that this Honorable Court enter an order in lieu of answer to Plaintiff's complaint, and for such other and further relief as the Court deems necessary and appropriate.

Respectfully submitted,

COOK COUNTY, ILLINOIS

By: /s/ Jessica L. Wasserman  
Jessica L. Wasserman  
Elizabeth F. Brogan  
Assistant State's Attorneys  
500 Richard J. Daley Center  
Chicago, IL 60602

(312) 603-6638

jessica.wasserman@cookcountyil.gov

elizabeth.brogan@cookcountyil.gov